

UNITED STATES
OF
AMERICA

V

AHMED KHALFAN GHAILANI
a/k/a "Fupi", "Haytham",
"Abubakar Khaflan Ahmed",
"Sharif Omar"

Schedule for Trial
Amendment ONE

4 March, 2009

1. The following trial schedule is ordered. Times when listed are local Eastern United States.

- a. **1 Jun 2009:** Discovery completed.
- b. **15 June 2009:** Discovery Motions due to the military judge and opposing counsel. If counsel intend to submit more than ten (10) discovery motions, counsel shall inform the military judge and opposing counsel of the total number of law motions which counsel intend to present NLT 1200 hours, 8 June 2009. If appropriate, the military judge will advise counsel of a revised schedule to present the motions.
- d. **Week of 6 July 2009:** Hearing in GTMO re: Discovery Motions.
- e. **20 July 2009:** Law Motions due to the military judge and opposing counsel. In general, law motions are those which require no evidentiary hearing to determine. If counsel intend to submit more than ten (10) law motions, counsel shall inform the military judge and opposing counsel of the total number of law motions which counsel intend to present NLT 1200 hours, 13 July 2009. The military judge will advise counsel of a revised schedule to present the motions.

Note 1: Motions will have as their underlying legal premise no more than one legal basis. If there is more than one legal basis, then there should be more than one motion. Law motions include motions relative to sentencing.

Note 2: Motions, response, and reply due dates are a No Later Than date. Counsel for both sides are advised that any motion, response, or reply which is ready for submission prior to the due date should be submitted when completed. The efficient and proper process of motion practice will NOT be enhanced by delivering multiple motions, responses, or replies to the Commission or opposing party at the last possible moment.

e. **Week of 3 August 2009:** Hearing in GTMO re: Law Motions and Witness Production issues or any unresolved matters.

f. **10 August 2009:** Defense Requests for Government Assistance in Obtaining Witnesses for use on the merits. See R.M.C. 703.

Note: The Government response to any witness request will be due within five business days of the submission of the request. Any Defense motion for production of witnesses in conjunction with a motion will be due to the court and opposing counsel within five days of receipt of a denied witness request.

g. **Week of 24 August 2009:** Hearing re: unresolved Witness Production Motions and/or any unresolved matters.

h. **31 August 2009:** Evidentiary Motions due. Evidentiary motions due to the military judge and opposing counsel. In general, evidentiary motions are those which deal with the admission or exclusion of specific or general items or classes of evidence. If counsel intend to submit more than ten (10) evidentiary motions, counsel shall inform the military judge and opposing counsel of the total number of evidentiary motions which counsel intend to present NLT 1200 hours, 24 August 2009.

Note 1: Generally, see Paragraph "e", Notes 1 and 2 above.

Note 2: Defense witness requests associated with any motions should be submitted to the trial counsel in accordance with R.M.C. 703 simultaneously with the filing of the motion (or Defense response in the case of a Government motion) in question. The Government response to any witness request will be due within

five days of the submission of the request. Any Defense motion for production of witnesses in conjunction with a motion will be due to the court and opposing counsel within five days of receipt of a denied witness request.

i. **Week of 14 September 2009:** Hearing in GTMO regarding Evidentiary Motions.

j. **23 September 2009:** Requested group voir dire questions for Military Commission Members due.

Note: The military judge intends to conduct all group voir dire questioning of the members per R.M.C. 912. The military judge's group voir dire will take counsel's requested questions into account as appropriate. The military judge will also conduct the initial follow-up individual voir dire based on responses to the group questions. Counsel will be permitted to conduct additional follow-up voir dire.

l. **24 September 2009:** Proposed members instructions due.


m. **5 October 2009:** Assembly and Voir Dire for Panel Members.

n. **9 October 2009:** Beginning of trial on the merits lasting potentially as late as 13 November 2009.

2. Counsel should direct their attention to the Rules of Court, RC 3, Motions Practice, and specifically Form 3-1, 3-2, and 3-3, for the procedures I have established for this trial. All motions, responses and replies shall comport with the terms of RC 3.6 in terms of timeliness. Any request for extension of any response or reply deadline associated with this hearing will be submitted before the deadline for the reply or response.

3. Requests for deviations from the timelines for hearings or for submission of motions established by this order must be submitted not later than 20 days prior to the date established, except for law motions for which requests for deviations from the due date must be submitted within 7 days prior to the date established.

4. Monthly Status Conferences will be scheduled throughout the pendency of this action or as needed under the circumstances. Counsel should anticipate the fluidity of the process of this action and be vigilant to alterations. Counsel requiring hearings or conferences not specifically anticipated herein should make a written request as soon as practicable in order to maintain the efficient and fair administration of justice. Court hearings designated as "during the week" is for planning purposes and actual hearings dates are commensurate with logistical, courtroom accessibility and transportation availability.


Bruce W. MacKenzie
CAPT, JAGC, USN
Military Judge